REGULATION No. II OF 1884.

(PASSED ON THE 6TH DAY OF JUNE 1884.)

***A Regulation to introduce into Mysore the Code of Civil Procedure, Act XIV of* 1882.**

WHEREAS it is expedient to apply to the territories of Mysore Act XIV of 1882 of the Governor General of India in Council; His Highness the Maharaja of Mysore is pleased to enact that the aforementioned Act XIV of 1882 shall have the force of law in the territories of Mysore, with the modifications and omissions hereunder mentioned, namely—

1. For "British India" read "the territories of Mysore," except in section 229.

2. For "Local Government" read "Government of Mysore."

3. For "a High Court," "the High Court," "the same High Court," "High Courts," or "such High Court," read "the Chief Court."

4. For "Collector," or "Collector of land revenue," read "Deputy Commissioner."

5. In sections 1, 3 and 99 A, for "June 1882," read "July 1884."

6. For paragraph 2 of section 1, substitute the following:—"It extends to the whole of the territories of Mysore."

7. In section 2, for the words "and includes an Advocate, a Vakil and an Attorney of a High Court," substitute "enrolled under the law for the time being in force in the territories of Mysore relating to Legal Practitioners."

And in the same section omit—

"and includes the local limits of the ordinary original civil jurisdiction of a High Court;"

"and not having authority in British India nor established by the Governor General in Council;"

"every covenanted servant of Her Majesty;"

"every commissioned officer in the Military or Naval forces of Her Majesty while serving under Government;" and

"And in any part of British India in which this Code operates, 'Government' includes the Government of India as well as the Local Government."

8. In section 3 for "the twenty-ninth day of July 1879," read "the nineteenth day of November 1879."

9. Omit section 4.

10. In section 5, omit "(other than the Courts of Small Causes in the Towns of Calcutta, Madras and Bombay.)"

11. In section 6, omit "affects the jurisdiction or procedure—

"(*a*) of Military Courts of Request;

"(*b*) of a single officer duly appointed in the Presidency of Bombay to try small suits in Military Bazaars at Cantonments and Stations occupied by the Troops of that Presidency; or

"(*c*) of Village Munsiffs or Village Panchayats under the provisions of the Madras Code;

"(*d*) of the Recorder of Rangoon sitting as an Insolvent Court in Rangoon, Moulmain, Akyab or Bassein, or."

12. Omit sections 7 and 8.

13. In section 9 omit "The ninth part: Special Rules relating to the Chartered High Courts."

14. In section 12, omit "or in any Court beyond the limits of British India established by the Governor General in Council and having like jurisdiction, or before Her Majesty in Council."

15. Omit section 24.

16. Omit the second paragraph of section 25.

17. Omit the last paragraph of section 37.

18. Omit the last paragraph of section 39.

19. Omit section 86.

20. Omit section 90.

21. In section 95, omit "with the previous sanction of the Governor General in Council."

22. In section 223, omit paragraph 5.

23. For section 229, substitute the following:—

"A decree of any Court in British India [a] or of any Court established by the Governor General in Council in the territories of any Foreign Prince or State, [a] which cannot be executed within the jurisdiction of the Court by which it was made, may be executed in manner herein provided within the jurisdiction of any Court in the territories of Mysore.

[a-a] These words in section 23 were inserted by Regulation II of 1887.

24. To the first paragraph of section 273, the following shall be added: —

"The Court may for that purpose direct the execution of the decree so attached."

25. In section 287, omit "as regards his own Court and the Court of Small Causes at Rangoon, the Recorder of Rangoon shall be deemed to be 'a High Court' within the meaning of this paragraph."

26. In section 320, omit "with the sanction of the Governor General in Council."

27. In section 327, omit "with the sanction of the Governor General in Council."

28. In section 339, for the words "proper officer of the Court," substitute "officer in charge of the Civil Jail."

29. In the proviso to section 341 omit the word "third."

30. Omit the last paragraph of section 360.

31. In section 386, omit "or the Court of the Recorder of Rangoon."

32. In section 391, omit "and established by the authority of Her Majesty or of the Governor General in Council, or

"(*b*) Courts situate in any part of the British Empire other than British India, or

"(*c*) Courts of any foreign country for the time being in alliance with Her Majesty."

33. For section 416, substitute the following section:—

"Suits by the Government shall be instituted by the Government of Mysore."

34. For section 418, substitute the following section:—"In suits by the Government of Mysore, instead of inserting in the plaint the name and description and place of abode of the plaintiff, it shall be sufficient to insert the words "the Government of Mysore'."

35. Omit sections 419, 420 and 421.

36. In section 424, omit "against the said Secretary of State in Council, or," "and in the case of the Secretary of State in Council, delivered to, or left at the Office of, a Secretary to the Local Government or the Collector of the District, and in the case of a public officer."

37. In section 429, omit "against the said Secretary of State in Council or."

38. Omit Chapter XXVIII.

39. In section 443, for the words "Indian Majority Act 1875, section 3," substitute the following:—

"Rules for the care of the person and property of Minors, published with the Government of India Notification No. 75 J. dated 25th April 1872."

40. In section 463, for the words and figures "Act No. XXXV of 1858," substitute "the Rules relating to Persons of Unsound Mind, published with the late Chief Commissioner's Notification No. 141, dated 31st July 1874."

41. In section 464, omit "by the Court of Wards or" and "local."

42. In section 538, omit the following:—

"(*a*) The High Courts of Judicature at Fort William, Madras and Bombay,

"(*b*) The Court of the Recorder of Rangoon,

"(*c*) The Courts of Small Causes in Calcutta, Madras and Bombay,

"(*d*) The Court of the Judges of Karachi, and."

In the same section for "(*e*) any other Court," substitute "any Court."

43. In section 539, paragraph 1, for "Advocate General acting *ex officio*" substitute "Deputy Commissioner or such other officer as the Government of Mysore may appoint in this behalf," and for "Advocate General" substitute "Deputy Commissioner or other officer appointed, as last aforesaid," and omit the words "the High Court or." Omit also paragraphs 2 and 3.

44. In section 547, for the words "the Secretary of State for India in Council" substitute "the Government of Mysore."

45. To section 584, add the following:—

(*d*) An erroneous finding upon a material question of fact producing an error in the decision on the merits in those cases in which, upon any such question of fact, the finding of the appellate Court differs from that of the Court of the first instance.

46. In section 586, for "five hundred rupees" substitute "fifty rupees."

47. Omit Chapter XLV.

48. Omit Chapter XLVIII.

49. In section 644, omit the words and figures "subject to the power conferred on the High Court by section 639 and by the twenty-fourth and twenty-fifth of Victoria chapter 104, section 15."

50. Omit sections 645A and 646.

51. In section 650 *A*, omit "Provided that the Courts issuing such summonses have been established by the authority of the Governor General in Council, or that the Governor General in Council has, by notification in the *Gazette of India*, declared the provisions of this section to apply to such Courts;" and also omit paragraph 2.

52. The Notifications of the Government of India, Foreign Department, No. 47 J, dated 27th May 1878, in so far as it extends to the territories of Mysore Act X of 1877 (The Code of Civil Procedure), and No. 320 I. J., dated 19th November 1879, in so far as it extends to the territories of Mysore sections 1 to 103, Act XII of 1879 (An act to amend the Code of Civil Procedure), are hereby cancelled from the 1st day of July 1884.